UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,048	12/21/2000	Yoshihiro Yamaguchi	0879-0295P	5515

2292	7590	07/28/2005	

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EXAMINER
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ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *11/18/2004*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 7,

2005 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-6, and 8-15** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Nishikawa, Patent 5,296,945 in view of Belucci, Patent 5,913,542 B1 and further in

view of Fujimoto, US Patent 6,035,074.

Regarding claim 1, Nishikawa discloses an identification photo system (Fig. 2)

that obtains image data for an identification photo of a person (Fig. 2: 22) from image

data of the person, said identification photo system comprising an automatic correcting

device (Fig. 2) that automatically corrects the image data of the person (Col. 3, line 66 –

col. 4, line 13; col. 6, lines 40-56; col. 9, lines 42-65). Nishikawa does not explicitly

teach that the automatic correcting device detects a person area in said image data,

compares the size of the person area in said image data with a predetermined size, and

changes the size of the image so that the size of the person area is the predetermined

size.

However, Belucci teaches a system for producing ID cards wherein the system

separates the image area from the background area from the subject area (Doing so

inherently teaches detecting the person area) so as to compress the image data for the

identification card (Col. 4, lines 8-19), as part of the compression algorithm, the

background is changed to a predetermined color (normalized or eliminated), also

teaches resizing the size of the image separated of said subject so as to fit the area

required for the photo of the ID card (Col. 5, lines 15-49). When resizing the image so

as to fit the area required for the photo of the ID card, Belucci inherently discloses that

the image is being compared to the size of the image area required for the ID card.

Therefore, taking the combined teaching of Nishikawa in view of Belucci as a

whole, it would have been obvious to one of ordinary skilled in the art at the time the

invention was made to modify the identification photo system by having means to

separate a person area and a background area and a background color-changing

means to change the color of the background to a predetermined color and by including

means for changing the size of a photo to a predetermined size. The motivation to do

so would have been to help the identification photo system to compress the image of

the person only since the background is not that relevant and can be changed and to

adjust the size of the image of the person so as to fit the area required for the photo as

suggested by Belucci (Col. 4, lines 8-19).

The combined teaching of Nishikawa in view of Belucci fails to teach that the

correcting device detects a facial area in the image data and that abstracts a person

area based on the facial area.

However, in the same field of endeavor, Fujimoto discloses an image processing

apparatus in communication with a camera or a scanner (Col. 2, lines 59-65; col. 6,

lines 3-9; col. 7, lines 24-31), said camera comprising an external input controlling

section (Fig. 3: 15) for the camera or scanner, wherein said image processing

apparatus extract the face of a subject in the image using face recognition by comparing

the colors in the whole input image (See figs. 6-10) with skin colors stored in a RAM

(Fig. 3: 11) or ROM (Fig. 3: 12), the image processing apparatus also comprises a

frame forming section (Fig. 4: 11-7) for forming a frame having a size such that the face

image pickup area can be embraced in the frame in response to the designation of the

face image pickup area; and a face image cutting section (Fig. 4: 11-4) for cutting out an

area enclosed in the frame, wherein the recognized face image is cut out in accordance

with the size of the face image; Fujimoto also discloses that the method can be applied

to ID photography (See col. 4, lines 12-24; col. 12, line 65 – col. 13, line 3) (Col. 1, line

64 – col. 2, line 29; col. 3, line 26 – col. 5, line 23; col. 6, lines 3-53; col. 7, line 24 – col.

8, line 4; col. 8, line 46 – col. 9, line 64; col. 12, line 49 – col. 13, line 3).

Therefore, taking the combined teaching of Nishikawa in view of Belucci and

further in view of Fujimoto as a whole, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the identification photo

system by detecting a facial area in the image data and that abstracts a person area

based on the facial area. The motivation to do so would have been to help the

identification photo system to create ID photography without taking a photograph of the

single human object as suggested by Fujimoto (Col. 4, lines 19-23).

Regarding claim 2, Nishikawa discloses that the automatic correcting device

corrects at least one of density, color balance, luminance and saturation of an image of

the person (Col. 5, lines 56-65; col. 6, lines 47-66).

Regarding claim 3, Nishikawa discloses that the automatic correcting device

comprises: a skin pigmentation area abstracting device (detection point setting unit in

fig. 2: 52) that abstracts a skin pigmentation area from the image; a skin pigmentation

correction value calculating device (comparator in fig. 2: 58) that calculates skin

pigmentation correction values according to colors of the skin pigmentation area

abstracted by said skin pigmentation area abstracting device and a predetermined skin

pigmentation correction target value (stored in standard color memory in fig. 2: 56); and

a color correcting device (look-up table in fig. 2: 60) that corrects the colors of the skin

pigmentation area according to the skin pigmentation correction values calculated by

said skin pigmentation correction value calculating device (the look-up table is used to

correct the colors based on the result of the comparator) (Col. 3, line 66 – col. 4, line 13;

col. 5, line 66 – col. 6, line 7).

Regarding claim 4, Nishikawa discloses the same in claim 3. Therefore,

grounds for rejecting claim 3 apply here. Furthermore, Nishikawa teaches performing a

complexion conversion the colors of the image stored in memory (Fig. 2: 30) according

to a preferable complexion (Col. 5, line 66 – col. 6, line 7).

Regarding claim 5, the combined teaching of Nishikawa in view of Belucci and further in view of Fujimoto teaches a system for producing ID cards wherein the system separates the image area from the background area so as to compress the image data for the identification card (Belucci, Col. 4, lines 8-19), as part of the compression algorithm, the background is changed to a predetermined color (normalized or eliminated), also teaches that a software automatically resize the images so as to fit the required area for the photo (Belucci, Col. 5, lines 15-49).

Regarding claim 6, the combined teaching of Nishikawa in view of Belucci and further in view of Fujimoto teaches an abstracting device that abstracts a print area required for the identification photo from the image according to the size of the image by teaching the software automatically resize the images to a predetermined size so as to fit the area required area for the photo (See Belucci, col. 5, lines 15-49).

Regarding claim 8, Nishikawa discloses the identification photo system comprising a printer (Fig. 2: 34) that prints the identification photo from the image data for the identification photo (Col. 3, lines 43-51).

Regarding claim 9, the combined teaching of Nishikawa in view of Belucci and further in view of Fujimoto teaches an apparatus performing the same as in claim 1 and 3. Therefore, grounds for rejecting claim 1 and 3 apply here.

Regarding claim 10, the combined teaching of Nishikawa in view of Belucci and further in view of Fujimoto teaches an apparatus performing the same as in claim 1 and 3. Furthermore, Fujimoto teaches a frame forming section (Fig. 4: 11-7) for forming a frame having a size such that the face image pickup area can be embraced in the frame

in response to the designation of the face image pickup area; and a face image cutting

section (Fig. 4: 11-4) for cutting out an area enclosed in the frame, wherein the

recognized face image is cut out in accordance with the size of the face image; Fujimoto

also discloses that the method can be applied to ID photography (See col. 4, lines 12-

24; col. 12, line 65 – col. 13, line 3) (Col. 1, line 64 – col. 2, line 29; col. 3, line 26 – col.

5, line 23; col. 6, lines 3-53; col. 7, line 24 – col. 8, line 4; col. 8, line 46 – col. 9, line 64;

col. 12, line 49 – col. 13, line 3). Therefore, grounds for rejecting claim 1 and 3 apply

here.

Regarding claim 11, the combined teaching of Nishikawa in view of Belucci and

further in view of Fujimoto teaches an apparatus performing the same as in claim 1 and

10. Therefore, grounds for rejecting claim 1 and 10 apply here.

Regarding claim 12, Nishikawa discloses that the automatic correcting device

corrects at least one of density, color balance, luminance and saturation of an image of

the person (Col. 5, lines 56-65; col. 6, lines 47-66).

Regarding claim 13, Nishikawa discloses that the automatic correcting device

comprises: a skin pigmentation area abstracting device (detection point setting unit in

fig. 2: 52) for abstracting a skin pigmentation area from the original image data; a skin

pigmentation correction value calculating device (comparator in fig. 2: 58) that

calculates skin pigmentation correction values according to colors of the skin

pigmentation area abstracted by said skin pigmentation area abstracting device and a

predetermined skin pigmentation correction target value (stored in standard color

memory in fig. 2: 56); and a color correcting device (look-up table in fig. 2: 60) that

corrects the colors of the skin pigmentation area according to the skin pigmentation correction values calculated by said skin pigmentation correction value calculating device (the look-up table is used to correct the colors based on the result of the comparator) (Col. 3, line 66 – col. 4, line 13; col. 5, line 66 – col. 6, line 7).

Regarding claim 14, the combined teaching of Nishikawa in view of Belucci and further in view of Fujimoto as applied to claims 1 and 10 teaches a head position detecting device (See Belucci, col. 5, lines 15-49; col. 4, lines 8-19 and Fujimoto, fig. 4, item 11-1, col. 1, line 64 – col. 2, line 29; col. 3, line 26 – col. 5, line 23; col. 6, lines 3-53; col. 7, line 24 – col. 8, line 4; col. 8, line 46 – col. 9, line 64; col. 12, line 49 – col. 13, line 3) configured for detecting a head position of the person in the original image data; and a cut guidance generating device (Fujimoto, fig. 4, item 11-4) configured for generating a cut guidance in the print area based on the head position detected by the a head position detecting device. Therefore, grounds for rejecting claims 1 and 10 apply here.

Regarding claim 15, the combined teaching of Nishikawa in view of Belucci and further in view of Fujimoto as applied to claims 1 and 10 teaches that the cut guidance generating device is configured for outlining the cut guidance area by at least one of: a solid line, a broken line, marks at corners, and differentiating colors between the cut guidance area and a remainder of the printer area (See Fujimoto figs. 8, 9, 15, 16 and 17; col. 1, line 64 – col. 2, line 29; col. 3, line 26 – col. 5, line 23; col. 6, lines 3-53; col. 7, line 24 – col. 8, line 4; col. 8, line 46 – col. 9, line 64; col. 12, line 49 – col. 13, line 3). Grounds for rejecting claims 1, 10 and 14 apply here.

4.   **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Nishikawa, Patent 5,296,945 and Belucci, Patent 5,913,542 B1 in view of Fujimoto, US

Patent 6,035,074 and further in view of O'Brill, Patent 5,937,081.

   Regarding claim 7, the combined teaching of Nishikawa in view of Belucci and

further in view of Fujimoto fails to teach a cloth area-abstracting device that abstracts a

cloth area from the image; and a cloth-changing device that changes image data of the

cloth area to image data of predetermined cloth.

   However, O'Brill teaches an image composition system wherein a camera takes

an image of a person (Fig. 1: 12) and the composition system separates the image of the

person's head from the body and the background (See flow chart in fig. 6) so as to

change the person's clothes (i.e. shirt and pants) according to the body type of said

person (Col. 5, line 49 – col. 6, line 47).

   Therefore, taking the combined teaching of Nishikawa and Belucci in view of

Fujimoto and further in view of O'Brill as a whole, it would have been obvious to one of

ordinary skilled in the art at the time the invention was made to incorporate in the

identification photo system with a cloth changing system to abstract the part of the body

related to the cloth's area or the body form the person so as to change the clothes of

the person to predetermined clothes, with the motivation of avoiding having to require a

person to have a specific type of clothes to be photograph with the system, facilitating

the system to combine the subject with different accessory items as suggested by O'Brill

(Col. 1, lines 56-61).

Contact

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Nelson D. Hernandez whose telephone number is (571)
272-7311. The examiner can normally be reached on 9:00 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
July 22, 2005